



IFW

CASE HM/5-21810/A/PCT/DIV

**CERTIFICATE OF MAILING**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

Dolores DeCarmin  
Type or print name

Dolores DeCarmin  
Signature

8/11/04  
Date

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF

Group Art Unit: 1617

WERNER HÖLZL ET AL

Examiner:

APPLICATION NO: 10/750,810

FILED: DECEMBER 31, 2003

FOR: MICROBICIDAL ACTIVE SUBSTANCES

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

**LETTER CORRECTING FILING RECEIPT**

Sir:

The official filing receipt received in the above-identified application showed a date inconsistency with Patent and Trademark Office (PTO) records under the **Domestic Priority data as claimed by applicant** information.

Applicants reviewed the parent case **Application No. 09/762,008**, which had the mentioned inconsistency on the filing receipt, and it was noted that according to the **"Notification of Acceptance of Application Under 35 U.S.C 371"**, dated March 6, 2001 (copy is enclosed herewith), the 371 date for the parent case was listed as February 1, 2001 not February 1, 2000.

Upon further review, Applicants noted that the filing receipt, dated March 7, 2001 (a copy is enclosed herewith) listed the filing date in the box at the top of the page as February 1, 2000. This is

where the error started and it was a clerical error made by the PTO. However, Applicants never noticed the incorrect filing date so the PTO used the incorrect date throughout the prosecution of the case. The prosecution papers that were sent to the PTO by Applicants listed the 371 date correctly and it was never noticed until the inconsistency came up on the filing receipt. The filing papers in the instant application do list the lineage correctly (a copy is enclosed herewith).

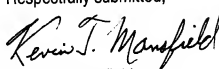
At this time, Applicants would like the PTO to issue a corrected filing receipt to have the phrase "(\*)**Data inconsistent with PTO records**" deleted for the reasons given above and that the 371 date for Application No. 09/762,008 be changed to **February 1, 2001** as listed on the Notice of Acceptance. The corrected filing receipt should read:

-- **Domestic Priority date as claimed by applicant**

This application is a DIV of 09/762,008 02/01/2001 PAT 6,689,372  
which is a 371 of PCT/EP99/05449 07/30/1999 --.

The Commissioner is hereby authorized to charge any fee under 37 CFR 1.19(h) that may be required to Deposit Account 03-1935.

Respectfully submitted,

  
Kevin T. Mansfield  
Agent for Applicants  
Reg. No. 31,635

Ciba Specialty Chemicals Corporation  
Patent Department  
540 White Plains Road  
P.O. Box 2005  
Tarrytown, NY 10591-9005  
(914) 785-7127  
KTM/dd

Encls.: copy of Notification of Acceptance of Application  
copy of Transmittal letter  
copy of filing receipt

Date:

**AUG 11 2004**



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: ASSISTANT COMMISSIONER FOR PATENTS  
Washington, D.C. 20231

U.S. APPLICATION NO. 09/762008	FIRST NAMED APPLICANT HOLZL	ATTY. DOCKET NO. W
JOANN VILLAMIZAR 540 WHITE PLAINS ROAD P O BOX 2005 TARRYTOWN, NY 10591 9005		HM/2-21810/A INTERNATIONAL APPLICATION NO.
RECEIVED MAR 9 2001		PCT/EP99/05449
ANDREA DECECCHIS DOCKET COORDINATOR PATENT DEPARTMENT		1A FILING DATE 30 JUL 99
		PRIORITY DATE 04 AUG 98
		DATE MAILED: 06 MAR 2001

NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371  
AND 37 CFR 1.494 OR 1.495

1. The applicant is hereby advised that the United States Patent and Trademark Office in its capacity as ☐ a Designated Office (37 CFR 1.494), ☒ an Elected Office (37 CFR 1.495), has determined that the above identified international application has met the requirements of 35 U.S.C. 371, and is **ACCEPTED** for national patentability examination in the United States Patent and Trademark Office.
2. The United States Application Number assigned to the application is shown above and the relevant dates are:
- |                       |                            |
|-----------------------|----------------------------|
| 01 FEB 2001           | 01 FEB 2001                |
| 35 U.S.C. 102(e) DATE | DATE OF RECEIPT OF         |
|                       | 35 U.S.C. 371 REQUIREMENTS |

A Filing Receipt (PTO-103X) will be issued for the present application in due course. **THE DATE APPEARING ON THE FILING RECEIPT AS THE "FILING DATE" IS THE DATE ON WHICH THE LAST OF THE 35 U.S.C. 371(C) REQUIREMENTS HAS BEEN RECEIVED IN THE OFFICE. THIS DATE IS SHOWN ABOVE.** The filing date of the above identified application is the international filing date of the international application (Article 11(3) and 35 U.S.C. 363). Once the Filing Receipt has been received, send all correspondence to the Group Art Unit designated thereon.

3. ☐ A request for immediate examination under 35 U.S.C. 371(f) was received on \_\_\_\_\_ and the application will be examined in turn.
4. The following items have been received:
- ☒ U.S. Basic National Fee.
  - ☒ Copy of the international application in:
    - ☒ a non-English language.
    - ☐ English.
  - ☒ Translation of the international application into English.
  - ☐ Oath or Declaration of inventor(s) for DO/EO/US.
  - ☐ Copy of Article 19 amendments. ☐ Translation of Article 19 amendments into English.
    - The Article 19 amendments ☐ have ☐ have not been entered.
  - ☒ The International Preliminary Examination Report in English and its Annexes, if any.
  - ☐ Copy of the Annexes to the International Preliminary Examination Report (IPER).
    - Translation of Annexes to the IPER into English.
    - The Annexes ☐ have ☐ have not been entered.
  - ☒ Preliminary amendment(s) filed 01 FEB 2001 and \_\_\_\_\_.
  - ☐ Information Disclosure Statement(s) filed \_\_\_\_\_ and \_\_\_\_\_.
  - ☐ Assignment document.
  - ☐ Power of Attorney and/or Change of Address.
  - ☐ Substitute specification filed \_\_\_\_\_.
  - ☐ Verified Statement Claiming Small Entity Status.



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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FILE REC'D	ATTY DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/762,008 ✓	02/01/2000	<del>4645</del>	860	HM/2-21810/A		1	1

324  
CIBA SPECIALTY CHEMICALS CORPORATION  
PATENT DEPARTMENT  
540 WHITE PLAINS RD  
P O BOX 2005  
TARRYTOWN, NY 10591-9005

RECEIVED

MAR 13 2001

ANDREA DECECCHIS  
DOCKET COORDINATOR  
PATENT DEPARTMENT

FILING RECEIPT



Date Mailed: 03/07/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the PTO processes the reply to the Notice, the PTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Werner Holz, Eschentzwiller, FRANCE;  
Marcel Schnyder, Birsfelden, SWITZERLAND; ✓

Continuing Data as Claimed by Applicant

THIS APPLICATION IS A 371 OF PCT/EP99/05449 07/30/1999

Foreign Applications

EUROPEAN PATENT OFFICE (EPO) 98810749.6 08/04/1998

If Required, Foreign Filing License Granted 03/07/2001

Title

Microbicidal active substances

Preliminary Class

424

Copy sent to Baile - LES. 4/40F  
3/15/01 BW

HM/2-21810/A/PCT

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Data entry by : NGUYEN, SON

Team : OIPE

Date: 03/07/2001



**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 36 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15 (b).

**PLEASE NOTE the following information about the Filing Receipt:**

- The articles such as "a," "an" and "the" are not included as the first words in the title of an application. They are considered to be unnecessary to the understanding of the title.
- The words "new," "improved," "improvements in" or "relating to" are not included as first words in the title of an application because a patent application, by nature, is a new idea or improvement.
- The title may be truncated if it consists of more than 600 characters (letters and spaces combined).
- The docket number allows a maximum of 25 characters.
- If your application was submitted under 37 CFR 1.10, your filing date should be the "date in" found on the Express Mail label. If there is a discrepancy, you should submit a request for a corrected Filing Receipt along with a copy of the Express Mail label showing the "date in."
- The title is recorded in sentence case.

Any corrections that may need to be done to your Filing Receipt should be directed to:

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Assistant Commissioner for Patents  
Office of Initial Patent Examination  
Customer Service Center  
Washington, DC 20231



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CASE HM/5-21810/A/PCT/DIV

FILING BY "EXPRESS MAIL" UNDER 37 CFR 1.10

EL 803527141US  
"Express Mail" label mailing number

12/31/03  
Date of Deposit

COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, VA 22313-1450

**Mail Stop Patent Application**

Sir:

Transmitted herewith for filing is the patent application of  
Inventor(s): **WERNER HÖLZL AND MARCEL SCHNYDER**

For: **MICROBICIDAL ACTIVE SUBSTANCES**

Enclosed are:

- ☒ 20 pages of the **certified English translation** of the specification including claims
- ☒ 1 page(s) of the **certified English translation** of the abstract
- ☒ Declaration and Power of Attorney (copy) (For continuations/divisionals)
- ☒ **Preliminary Amendment**
- ☒ This application is a **divisional** of  
prior application No. **09/762,008** filed **2/1/01**.
- ☒ The entire disclosure of the prior application, from which a copy of the declaration is  
supplied, is considered to be part of the disclosure of the accompanying  
application and is hereby incorporated by reference therein.
- ☒ Amend the specification by inserting before the first line:  
—This is a **divisional** of application Serial No. **09/762,008** filed on **2/1/01**, still pending,  
which is a **371** of **EP 99/05449** filed on **7/30/99**.—



- ☒ Priority of application No(s). **98810749.6** filed on **8/4/98** respectively; in  
**Europe (designating Germany)** is claimed under 35 U.S.C. 119.  
 A certified copy of each priority document is  
☒ of record in application No. **09/762,008** filed **2/1/01**.  
☒ **Prior to calculating the fees, kindly consider the attached preliminary amendment.**

## Filing Fee Calculation:

Basic Fee						\$770.00
Multiple Dependent Claims (\$290)						
Foreign Language Surcharge (\$130)						
	For	Number Filed		Number Extra	Rate	
EXTRA Claims	TOTAL CLAIMS	9	-20	0	\$18	=
	INDEPENDENT CLAIMS	3	-3	0	\$86	=
					TOTAL FILING FEE	\$770.00

Please charge Deposit Account No. 03-1935 in the amount of **\$770.00**. Two additional copies of this paper are enclosed. The Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. 1.16 and 1.17 which may be required, or credit any overpayment, to Account No. 03-1935.

Please address all correspondence to JoAnn Villamizar, Patent Department, Ciba Specialty Chemicals Corporation, 540 White Plains Road, P.O. Box 2005, Tarrytown, NY 10591-9005 and associate the attached application with **Customer Number 000324**. Please address all telephone calls to the undersigned at the number given below.

Respectfully submitted,



Kevin T. Mansfield  
 Agent for Applicant  
 Reg. No. 31,635

Ciba Specialty Chemicals Corporation  
 Patent Department  
 540 White Plains Road  
 P.O. Box 2005  
 Tarrytown, NY 10591-9005  
 (914) 785-7127  
 KTM/am/



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 Alexandria, Virginia 22311-1450  
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APPL. NO.	FILING OR 371 (c) DATE	ART UNIT	FILE FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/750,810	12/31/2003	1617	770	HM/5-21810/A/PCT/DIV		9	3

**RECEIVED**

CONFIRMATION NO. 1623

000324

 CIBA SPECIALTY CHEMICALS CORPORATION  
 PATENT DEPARTMENT  
 540 WHITE PLAINS RD  
 P O BOX 2005  
 TARRYTOWN, NY 10591-9005

JUL 1 2004

FILING RECEIPT



\*0C000000012545462\*

 ANDREA DECECCHIS  
 DOCKET COORDINATOR  
 PATENT DEPARTMENT

Date Mailed: 05/06/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

**Applicant(s)**
 Werner Hotz, Eschentzwiller, FRANCE;  
 Marcel Schnyder, Birsfelden, SWITZERLAND;
**Domestic Priority data as claimed by applicant**

02/01/2001

 This application is a DIV of 09/762,008 02/01/2000-PAT 6,689,372 \*  
 which is a 371 of PCT/EP99/05449 07/30/1999
(\*)Data provided by applicant is not consistent with PTO records. *Delete***Foreign Applications**

EUROPEAN PATENT OFFICE (EPO) 98810749.6 08/04/1998

**Projected Publication Date: To Be Determined - pending completion of Security Review****Non-Publication Request: No****Early Publication Request: No**

Title

Hm/5- 21810/A | PCT/DIV

Microbicidal active substances ✓

Preliminary Class

424

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**LICENSE FOR FOREIGN FILING UNDER**  
**Title 35, United States Code, Section 184**  
**Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

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The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (g)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

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